

REMARKS

Reconsideration of this application is respectfully requested. Claims 20-35 are pending in the application, with Claims 20, 24, 27, 30 and 33 being the independent claims.

The Examiner rejected Claims 20, 21, 24, 27, 30 and 33 under 35 U.S.C. §102(a) as being anticipated by "HO Process in a Drop Situation", IEEE C802.16e-03/43 to *Kitroser*. The Examiner rejected Claims 22, 23, 25, 26, 28, 29, 31, 32, 34 and 35 under 35 U.S.C. §103(a) as being unpatentable over *Kitroser* in view of "Inter-BS communication for IEEE 802.16e Handoff," 2003-05-14 to *Koo et al.* (hereinafter, *Koo*).

Regarding the §102(a) and §103(a) rejections of the claims, a Declaration under 37 C.F.R. §1.132 is submitted herewith. The Declaration states that the inventors are co-authors of *Kitroser*. All information in *Kitroser* that is relied upon by the Examiner in rejecting the claims is derived solely from the inventors, and not the third author of *Kitroser*. Accordingly, Applicants assert that *Kitroser* is not valid prior art under 35 U.S.C. §102(a), and the rejections §102(a) and §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 20-35 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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